

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF MAY 2020
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick. Chairperson
Wayne Jackson. Commissioner
Dean Draper. Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Richard Beckstrand. IT Director
Lindsay Mitchell and Richard Jacobson. Millard County Sheriff's Office
Sheri Dearden. County Treasurer
Bonnie Gehre and Karen Jordan. Auditor's Office
Connie Hansen. County Recorder
Deb Haveron. Tourism
Pat Manis. County Assessor
Brooks Jackson and Kylee Wardle. West Recreation
Bill Lister and Richard Bublitz. West Maintenance
John Higgins. Landfill Supervisor
Adam Richins. County Planner
Matt Ward. Chronicle Progress
Bill Gammel, Russell Wolfe, Justin Waymont, Slade Smith,
Daniel Davis, and Cullen Irvine. Citizens

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner

Draper read a quote from Edmund Burke which states, "Your representative owes you, not his industry only, but his judgement; and he betrays you instead of serving you if he sacrifices it to your opinion." Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 5, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 5, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of May 5, 2020, as corrected.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM MAY 5, 2020

Attorney Finlinson said that at the last meeting he mentioned the indigent defense grant was tenuous given the state budget; however, he thinks that the County will receive the bigger aspects of that funding at this point.

Commissioner Draper asked about the status of the CAFO initiative. Attorney Finlinson said that the investigation is very close to being finalized and briefly explained the investigation process.

ROCKY MOUNTAIN POWER'S 2019 COMMUNITY ENGAGEMENT REPORT-CULLEN IRVINE

Mr. Irvine presented Rocky Mountain Power's 2019 community engagement report. He said that they make an effort to be involved in the counties that they serve and went over the amount of people using their services, as well as, events that they have sponsored and funds that have been donated to various programs.

A brief discussion was had on renewable energy programs.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2020-010, A C-2 CONDITIONAL USE PERMIT (CUP) TO CONDUCT SURFACE MINING ON PROPERTIES LOCATED SOUTH OF KANOSH AND WEST OF I-15 WITHIN SECTION 2, T25S R7W, AND SECTION 2, T24S R7W. CLYDE COMPANIES, INC. - APPLICANT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on application #Z-2020-010 for a C-2 conditional use permit (CUP) to conduct surface mining within section 2, T25S R7W, and Section 2, T24S R7W. Clyde Companies, Inc. - Applicant.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:20 a.m..

Present were: Richard Beckstrand, Adam Richins, Cullen Irvine, Brooks Jackson, Kylee Wardle, Pat Manis, Sheriff Jacobson, Lindsay Mitchell, John Higgins, Karen Jordan, Bonnie Gehre, Sheri Dearden, Bill Gammell, Connie Hansen, Russell Wolfe, Pat Manis, Bill Lister, and Richard Bublitz.

Planner Richins said that a climbing lane on I-15 near Kanosh is projected and in order to get material and to process aggregate for the project nearby, a company has acquired lease rights for two parcels of SITLA land. He said that County roads will be used to access both sites and a CUP is required in order to extract material through surface mining in the County. Planner Richins said that Clyde Companies has addressed mitigation concerns and the Planning and Zoning Commission gave a favorable recommendation with conditions.

Planner Richins read the proposed conditions.

Bill Gammell, Clyde Companies, Inc, said that he would like to answer any questions and said that they were okay with the conditions read in the CUP. He briefly went over their plans and clearances they have received from other entities.

Attorney Finlinson said that Deputy Attorney, Denton Peterson, will work with everyone on the road agreement.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:27 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2020-010 FOR A C-2 CONDITIONAL USE PERMIT (CUP) TO CONDUCT SURFACE MINING WITHIN SECTION 2, T25S R7W, AND SECTION 2, T24S R7W. CLYDE COMPANIES, INC. - APPLICANT

Commissioner Draper said that they are excited that the grant was given for the climbing lane and asked how much of the curving at the top of the mountain will be straightened. Mr. Gammell explained the project goes from Exit 341 almost all the way to Cove Fort. He said that the alignment doesn't change too much due to rock excavation.

Commissioner Draper thinks it is good to move forward on this. Commissioner Jackson also agreed that this is a good project.

Commissioner Jackson made a motion to approve application #Z-2020-010 for a C-2 CUP to conduct surface mining within section 2, T25S R7W, and Section 2, T24S R7W. Clyde Companies, Inc. - applicant as long as all the conditions in the CUP are met.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

APPEAL OF LANDFILL ASSESSMENT FOR EAGLE'S LANDING

Justin Waymont introduced himself, Slade Smith, and Daniel Davis as representatives for Eagle's Landing in Scipio.

Mr. Waymont said that they have been measuring their waste output since October 2019 and went over their billing receipts from Holt Waste. He said that they have a 30 yard container and have been able to keep track of exactly how many times it has been taken to the landfill in order to measure the amount of waste they are contributing.

Mr. Waymont went over what the County has billed them and said that he thinks they have paid in full and have been overcharged \$7,000.00 because the estimated amount of waste being hauled to the landfill was too high.

Commissioner Jackson said that the landfill fees were revised about 10 months ago and customers were given a year to appeal the estimated amounts.

Landfill Supervisor Higgins said that the initial made estimations have been adjusted and they are getting more accurate information on Eagles Landing's waste volume. He said that he is concerned that the volume is lower right now due to COVID-19.

Mr. Waymont said that they didn't include March hauls due to COVID-19 concerns. He said that sales were actually higher in the months leading up to it so they feel like the volume they have measured is accurate. Mr. Waymont said that they are asking that the \$7,000.00 bill be removed and said that they are more than willing to continue to measure their waste and come back in a year.

Attorney Finlinson said that it is up to the Commission to decide what to do with this. He suggested to get all the information today, take opportunity to go over the numbers, and put this on the next agenda for a decision.

Mr. Smith asked when they reconcile the estimates. Attorney Finlinson said that reconciling can be a part of the process. He said that the County knew at the outset that these were estimates and a lot of things would need to be taken into consideration. Attorney Finlinson said that the landfill can bill accordingly with the exact amounts that they have provided.

Commissioner Draper said that they will take the time to review this and asked that it be put on the next agenda.

RATIFY THE MOTION TO APPROVE THE AGREEMENT WITH THE UTAH STATE PARKS AND RECREATION FOR A TOURISM GRANT

Commissioner Draper made a motion to ratify the agreement with the Utah State Parks and Recreation for a Tourism Grant in the amount of \$16,000.00.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF SEIZED PROPERTY DESIGNATED FOR DESTRUCTION OR CONVERSION TO AGENCY USE

Deputy Curtis presented the list of seized property to the Commission. Deputy Curtis said that these items are clear to be disposed of and he needs consent to dispose of them.

Attorney Finlinson explained that before an agency can dispose of or exchange certain seized property, these items have to go through an approval process. He said that the list contains mostly guns and firearm related equipment. Attorney Finlinson said that the Sheriff's Office has a federal gun dealer and they trade these guns for ammunition.

Sheriff Jacobson said that Deputy Curtis is an evidence custodian and he is over the custody of those items as they are taken into evidence.

Attorney Finlinson commended Deputy Curtis and Deputy Ellett for their work.

Commissioner Jackson made a motion to approve the presented list for sale or conversion of seized property for agency use.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-05-19, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING AND RESTATING THE FEE SCHEDULE FOR THE MILLARD COUNTY RECORDER'S OFFICE

Attorney Finlinson said that the resolution caps the number of reviews to three before applicants begin to pay for reviews.

Recorder Hansen said that some of their reviews take a lot of time and as those reviews add up, their budget is impacted. She said that she wants to start charging after three reviews.

Planner Richins said that the Recorder's Office has volunteered and agreed to have a preliminary review on parcels before they go through the Planning and Zoning Commission. He said that the applicants get a thorough review before the process starts and he is very supportive to having a cap.

Attorney Finlinson said that the Recorder's Office is not an enterprise fund but has a statutory obligation to break even on incidental expenses.

Commissioner Jackson made a motion to approve Resolution 20-05-19, a resolution of the Board of County Commissioners of Millard County, Utah, amending and restating the fee schedule for the Millard County Recorder's Office.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION REGARDING MILLARD COUNTY RACEWAY EVENT - RUSSELL WOLFE

Mr. Wolfe presented a handout regarding the Millard County Raceway races on June 5th and 6th and went over specific measures that they will implement to comply with the COVID-19 health recommendations. He said that he would like to be given permission to still hold the event but without the public and concessions. He said that there would be approximately 300 people spread out within 175,000 square feet and any fan interaction will be through wireless and electronic means.

Mr. Wolfe said that he has spoke with Eric Larsen at the Central Utah Public Health

Department.

Commissioner Draper said that Mr. Larsen doesn't have the authority to approve these things. Mr. Wolfe said that he was unaware of that but the plan was to contact them again after he spoke with the Millard County Commission.

A discussion was had on how many people can be in a pit and safety personnel on site.

Commissioner Warnick said that our own local public has been limited with events and referred to the livestock show changes. She said that this would potentially bring COVID-19 into our community and asked how far this event can be pushed back.

A brief discussion was had on dates for this event.

Commissioner Draper said that he is inclined to find future dates and postpone this event in early June.

Commissioner Jackson said that he thinks we need to protect our citizens.

Commissioner Warnick said that she likes this plan but would like to look at future dates.

Mr. Wolfe said that he will start looking into the month of July and then work with the County to set another date.

Commissioner Warnick asked for more details on the safety measures when he comes back to discuss a future date.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in April 2020. She said that her office has been instructed to hold funds for Drainage Districts #1 and #4 and Delta City.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Brooks Jackson, West Recreation Supervisor, gave an update on what they are doing at the ball fields and the swimming pool to keep the public safe.

Commissioner Jackson asked if they would use thermometers if they were made available. Supervisor Jackson said that they would. He said his staff will be wearing masks up front and where there are crowds.

Supervisor Jackson asked if the Commission would be ok with them allowing Juab teams to travel here for ball games and for Millard teams to go to Juab. Commissioner Draper said that traveling between counties is not a good idea, but teams traveling from Fillmore to Delta is ok.

Commissioner Draper said that he has not signed the check edit due to unemployment claims and wants to discuss this.

Auditor Gehre said that even if the County offers alternative work an employee can turn that down and apply for unemployment.

Planner Richins said that Crystal Peak Minerals asked if the County would agree to an easement agreement on SITLA land. The County indicated that it would be a possibility and he now has a contract regarding this.

Attorney Finlinson asked that he be given a chance to review this contract and put it on the next agenda. He asked if trading for MAG Chloride was still a possibility. Mr. Richins said that it is still being discussed.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There were none.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Jackson said that he has been asked by Mr. Brinkerhoff if it is okay to have horse races in Millard County. He said that he feels the same issues with the raceway will be there with horse track races. The Commission decided that the horse track and raceway should be treated the same and said that this can be looked at again in July to reassess the situation.

Commissioner Jackson said that we have posted positions for part-time landfill truck drivers and didn't receive any applications from individuals with CDLs. He suggested that the County either help individuals with the cost of obtaining CDLs or hire a full-time truck driver. It was decided to post a job opening for a full-time truck driver.

Commissioner Warnick said that the request for proposals for the TV Towers is ready and advertized.

Commissioner Draper gave a report from Central Utah Public Health and said that guidelines for the yellow phase have been updated. He said that it states that masks are required in settings where an employee is unable to maintain 6 feet between themselves and others.

The Commissioners commended the local businesses and the public for following the guidelines.

AUDITOR REPORT

Auditor Gehre said that she emailed the surplus property report to the Commission and said that they will receive that report before it is posted on the surplus website.

Auditor Gehre said that the promissory note from Traditions Healthcare is due today and they

have only made one payment.

Auditor Gehre presented the following reports:

Payroll Liabilities:

May 8, 2020 - \$166,748.56

Check Registers:

May 8, 2020 - \$97,236.00

May 15, 2020 - \$103,888.18

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson said that he discussed the implemented restrictions due to COVID-19 with Auditor Gehre and he has found that some things are working very well. He said that he thinks working from home has worked very well and he would like to employ some of these things on a permanent basis.

A brief discussion was had on unlocking the County building doors.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:27 a.m..

Attest: _____

Approved: _____